

REMARKS

By this amendment, claims 1-4, 17, 18, 26-31, and 35-48 are pending in the present application, of which claims 1, 26 and 31 are currently amended, claims 5-16, 20-25 and 32-34 has been canceled without prejudice or disclaimer, and claims 35-48 are newly presented. Claim 19 was previously canceled. No new matter is introduced.

The Final Office Action dated December 10, 2010:

(1) rejected claims 1-4, 17-19, 26 and 28-30 under 35 U.S.C. § 102(b) as anticipated by *Microsoft Disk Operating System (MS-DOS)*; and

(2) rejected claim 27 as obvious under 35 U.S.C. § 103(a) based on *Microsoft Disk Operating System (MS-DOS)* in view of *Martin* (US 6,337,681).

A. 35 U.S.C. § 102(b) Rejection of Claims 1-4, 17-19, 26 and 28-30 Over MS-DOS

Applicants respectfully traverse the 35 U.S.C. § 102(b) rejection of claims 1-4, 17-19, 26 and 28-30 over *MS-DOS*, because all features of the claims are not disclosed by the applied art.

Claims 1-4, 17-19, 26 and 28-30 stand rejected as allegedly anticipated by *MS-DOS*. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). When imposing a rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is asserted to identically disclose each and every feature of a

claimed invention, particularly when such is not apparent as in the present case. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). Applicants submit that the § 102(b) rejection fails to satisfy this burden, because *MS-DOS* fails to provide, disclose or suggest all features of the amended claims, and thus the anticipation rejection cannot be sustained.

To reduce issues for potential appeal, Applicants have provided clarifying amendments to independent claim 1. Specifically, independent claim 1 recites a method comprising “querying an accessible memory for determining electronic games available for execution on **a plurality of electronic gaming devices**, and generating a game directory having entries for the determined electronic games.” No such features are disclosed or suggested by *MS-DOS*.

The Office Action cites to two web-page documents for support of the rejection under § 102(b), (1) <http://www.computerhope.com/dirhlp.htm> (an MS-DOS “DIR” command help page, hereinafter “the *Computerhope Reference*”), and (2) <http://en.wikipedia.org/wiki/Ms-dos> (the Wikipedia page for MS-DOS, hereinafter “the *Wikipedia Reference*”). The Office Action specifically cites to the “DIR” command of *MS-DOS* as anticipating claims 1, 17 and 18.

At best, the DIR command of *MS-DOS* simply provides a listing of all files and subdirectories that are **already available in a single computer system**. This cannot amount to “querying an accessible memory for determining electronic games available for execution on a plurality of electronic gaming devices,” as presently claimed. Execution of the DIR command results in the display of all available files and subdirectories in the current or in a specified directory of its own computer on which the MS-DOS operating system is running. *See, e.g., Computerhope Reference*. Specifying a particular drive and/or directory path within the DIR

command will result in the display of a listing of all files and subdirectories available on the specified drive and/or in the specified directory path. *Id.* Further, specifying a particular filename (which can include wildcards for one or more characters in the filename) in the MS-DOS command will result in the display of all files and subdirectories that match the specified filename. *Id.* Additionally, the DIR command provides for various other switches for customizing the query of files and subdirectories available in a computer system memory directory.

The DIR command, therefore, cannot generate the claimed game directory, involving “determining electronic games available for execution on **a plurality of electronic gaming devices**.”.

For at least the foregoing reasons, Applicants submit that independent claim 1, is not anticipated by *MS-DOS*. Accordingly, *MS-DOS* fails to anticipate claims 2-4, 17, 18, 26 and 28-30 depending from amended claim 1. Applicants, thus, respectfully request withdrawal of the rejection under 35U.S.C. §102.

B. 35 U.S.C. § 103(a) Rejection of Claim 27 Over *MS-DOS* In View Of *Martin*

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claim 27 over *MS-DOS* in view of *Martin*, because all features of the claims are not disclosed by the applied art, either individually or in combination. The deficiencies of *MS-DOS* are not cured by *Martin*.

The Office Action cites to *Martin* for the alleged disclosure of “wherein said game directory entries and said selection data are displayed as a whiteboard.”

Accordingly, neither *MS-DOS* nor *Martin* alone or in combination, satisfies all features of claim 27.

C. New Claims

New independent claim 35 recites, “query the memory for determining electronic games available for execution on a plurality of electronic gaming devices.” As explained above, this feature is absent from the applied art. Claims 36-44 depend from claim 35 and thus are also allowable; they are further allowable on their own merits.

Regarding independent claim 45, this claim recites, inter alia, “detecting, by a first gaming device, a second gaming device,” which is not taught by the art of record. Dependent claims 46-48, based at least on their dependency from claim 45, should also be indicated as allowable.

D. Conclusion

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

/Phouphanomketh Ditthavong/
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9952
Fax (703) 519-9958